

U.S. Department of Justice  
Federal Bureau of Prisons  
Washington, DC

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## **Office of Internal Affairs Report for Fiscal Year 2014**



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## Executive Summary of Findings

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- There was a 5.3 percent decrease in the number of cases opened in Fiscal Year 2014 as compared with Fiscal Year 2013. The rate of reported misconduct among BOP employees decreased 8.5 percent from Fiscal Year 2013.
- Cases classified as Classification 1 offenses showed a decrease of 17.1 percent over those opened in Fiscal Year 2013, and cases classified as Classification 2 offenses showed a decrease of 14.4 percent. Conversely, cases classified as Classification 3 offenses showed an increase of 7.8 percent.
- The most frequently reported type of misconduct in Fiscal Year 2014 was On-Duty Misconduct. Unprofessional Conduct and Abuse of Inmates placed second and third, respectively.
- The only categories of reported misconduct which showed an increase from Fiscal Year 2013 were Inattention to Duty, Failure to Follow Policy, Fiscal Improprieties, and Personnel Prohibitions. The largest decreases occurred in the categories of Discrimination, Unauthorized Release of Information, and Investigative Violations.
- During Fiscal Year 2014, 15 cases involving Patriot Act Violations were opened. As of September 30, 2014, 11 cases remained open pending investigation, and 4 cases were closed. No allegations of misconduct were sustained.
- The most frequently sustained category of misconduct among BOP employees with a sustained decision as of September 30, 2014, was Personnel Prohibitions, followed by Inattention to Duty and Failure to Follow Policy.
- The sustained rate of misconduct for male BOP employees for whom a decision had been made as of September 30, 2014, was .6 employees per 100 total male BOP staff, while the sustained rate of misconduct for female BOP employees for whom a decision had been made as of September 30, 2014, was .8 employees per 100 total female BOP staff.
- The most frequently sustained category of misconduct among both male and female BOP employees for whom a decision had been made as of September 30, 2014, was Personnel Prohibitions.
- For those BOP employees with a sustained decision as of September 30, 2014, the rate was highest among Health Services/Safety staff. The most frequently sustained type of misconduct among this group was Inattention to Duty.
- For those BOP employees with a sustained decision as of September 30, 2014, the rate was slightly higher for non-bargaining unit employees than for bargaining unit employees.

## Executive Summary of Findings

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(.8 per 100 total non-bargaining unit employees vs. .6 per 100 total bargaining unit employees).

- For those contract Residential Reentry Center employees with a sustained decision as of September 30, 2014, the most frequently sustained category of misconduct was Unprofessional Conduct. The most frequently sustained categories of misconduct among staff in privatized facilities with a sustained decision as of September 30, 2014, were Inappropriate Relationships with Inmates and Other On-Duty Misconduct.
- As of September 30, 2014, 6 allegations of Physical Abuse reported during Fiscal Year 2014 were sustained. The inmates involved sustained minor/no injuries. None of the subjects involved were criminally prosecuted.
- As of September 30, 2014, 12 allegations of Introduction of Contraband reported during Fiscal year 2014 were sustained, involving 11 individuals. One involved the introduction of soft contraband, 1 involved the introduction of a weapon, 5 involved the introduction of unauthorized electronic devices, and 5 involved the introduction of cigarettes/tobacco. None of the subjects involved were criminally prosecuted.
- As of September 30, 2014, 7 allegations of Sexual Abuse reported during Fiscal Year 2014 were sustained: 5 involved BOP employees, 1 involved a contract employee working in a BOP facility, and 1 involved a PHS employee working in a BOP facility. None of the subjects involved were criminally prosecuted.



# Reporting Incidents of Misconduct

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## Staff Reporting

In accordance with the Bureau's Standards of Employee Conduct, staff who become aware of any violation or alleged violation of the Standards of Employee Conduct must report them to the Chief Executive Officer (CEO), the Office of Internal Affairs (OIA), or the Department of Justice (DOJ), Office of the Inspector General (OIG).

The OIG has established a toll-free hotline (1-800-869-4499) which is available to anyone wishing to report DOJ employees' misconduct, as well as fraud, waste, or abuse in government. All Bureau staff are encouraged to use the OIG hotline if they wish to remain anonymous or fear retaliation or reprisal.

To report violations directly to the OIA Central Office, please submit a written complaint to:

Federal Bureau of Prisons  
Office of Internal Affairs  
320 First Street, NW, Room 600  
Washington, DC 20534

Written complaints may also be sent via fax to (202) 514-8625.

## CEO Reporting

Upon becoming aware of any possible violation of the Standards of Employee Conduct (either through a report from staff or through personal knowledge, the CEO at the institution, Regional Office or Central Office Division, or his or her designee, is to report the violation to the OIA in accordance with the following time frames.

Classification 1 cases are defined as allegations which, if substantiated, would constitute a prosecutable offense (other than offenses such as misdemeanor arrests). Classification 2 cases are defined as allegations which involve violations of rules, regulations, or law that, if substantiated, would not likely result in criminal prosecution, but constitute serious misconduct. **Classification 1 and 2 cases must be reported telephonically to the OIA immediately.**

Written notification to the OIA will be made **within 24 hours** (not to include weekends and holidays) of the time management learns of the matter. When it is suspected that criminal conduct has occurred, the CEO may refer the matter **simultaneously** to the OIA and the local OIG or Federal Bureau of Investigation (FBI) office.

Unless the CEO and the Chief of the OIA agree to a different method, ordinarily, investigations involving Classification 3 cases are to be conducted using local resources. Classification 3 cases are defined as allegations of misconduct which ordinarily have less impact on institutional operations. Ordinarily, CEOs can proceed with local investigations on Classification 3

## Reporting Incidents of Misconduct

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misconduct allegations for staff occupying bargaining unit positions or GS-12 and below non-bargaining unit positions without first obtaining OIA approval. Written notification to the OIA will be made **within 24 hours** (not to include weekends and holidays) of the time management learns of the matter.

CEOs must notify the OIA before initiating investigations involving any misconduct alleged against management staff occupying GS-13 or above positions. The OIA will coordinate further action with the OIG.

**Initial Information.** A Referral of Incident form (BP-A715.012) is used to organize the information to be provided (for contract employees use form BP-A774.012). Include the following:

- The identity of the complainant(s), subject(s), witness(es), and victim(s);
- The details of the allegation(s); and
- Any corroborating evidence.

**The subject of the allegation or complaint must not be questioned or interviewed prior to receiving clearance from the OIG and the OIA's approval.** This is to ensure against procedural errors and to safeguard the rights of the subject.

**Supporting Documentation.** A Referral of Incident form (BP-A715.012) and all supporting documentation, such as victim or witness statements, medical reports, photos, and related memoranda, must be sent to the OIA **immediately but not later than 24 hours** after the telephonic report.

If an inmate alleges physical or sexual abuse by a staff member and has not received a medical examination, the CEO must arrange an immediate, confidential medical examination and forward a copy of the results to the OIA as soon as possible.

Contact the OIA immediately if there is any question as to the classification of the misconduct. It is important to note that case classifications are many times based on limited information. As an investigation unfolds, the severity of misconduct may increase or decrease, thereby moving it into another classification.

All Referral of Incident forms (BP-S715.012 or BP-S774.012) and appropriate predicated information will be sent to the OIA via e-mail to the OIA BOPNet GroupWise mailbox BOP-DIR/InternalAffairs-Referrals~. All documentation will be scanned in .pdf format (Adobe Acrobat) and saved as one file. The signed Referral of Incident form should appear on the top of the file with all supporting documentation underneath.



# Review of Local Staff Misconduct Investigations

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For **all** local staff misconduct investigations **completed on or after January 1, 2007**, the investigator must forward the complete investigative packet directly to the OIA for approval **prior** to forwarding it to the CEO for action. These procedures apply to **all** local staff misconduct investigations in which BOP employees are the subject (Classification 1, 2, and 3 allegations), regardless of whether any misconduct will be sustained.

## Where to Send Local Investigative Packets

Local investigative packets should be sent via e-mail to the OIA GroupWise mailbox "BOP-DIR/Internal Affairs-Local Investigative Packets~" (not to be confused with OIA's main resource mailbox, "BOP-DIR/Internal Affairs~"). To ensure local investigative packets are reviewed by the OIA in a timely manner, they should **not** be sent to any individual OIA staff member or to any OIA field office. The subject of your e-mail message should include the OIA case number and the facility mnemonic code (e.g., 2007-00001-BUX).

## Format for Local Investigative Packets and What to Send

Local investigative packets should include the investigative report (signed by the investigator) and all supporting documentation (affidavits, memorandums, video files, etc.). **Complete investigative packets must be forwarded; the Summary of Investigation for Classification 3 Cases form (BP-A716.012) is no longer applicable and should not be used.**

Documents must be scanned in .pdf format (Adobe Acrobat). Do not send documents in other formats (e.g., .tif files, .wpd files). Documents should be scanned in three groups, named as follows:

Investigative Report (OIA Case Number)  
Affidavits and MOIs (OIA Case Number)  
Supporting Documentation (OIA Case Number)

Photo images and graphic images may be forwarded in .jpg or .gif format.

Affidavit files should include the Warning and Assurance to Employee Required to Provide Information (BP-A194.012), if applicable, and the signed Oath for each individual. The investigative packet should not include national policy or any documents not specifically related to the investigation (e.g., staff rosters, inmate SENTRY information, etc.).

# Review of Local Staff Misconduct Investigations

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## Time Guidelines

For Classification 1 or 2 allegations, local investigators should strive to complete and forward investigative packets to the OIA within 120 calendar days of the date a local investigation was authorized by the OIA. For classification 3 allegations, local investigators should strive to complete and forward investigative packets to the OIA prior to any disciplinary action being taken and within 120 calendar days of the date a local investigation was authorized by the CEO.

Once received, the OIA will complete their review of the local investigative packet within ten business days. The investigator will be advised as to whether the investigative packet is approved or if additional information is needed. This information will be sent via e-mail to the investigator with a copy to the CEO. If additional information is needed, the investigator should forward the additional information to the OIA within 30 calendar days, who will again notify the investigator and the CEO if the packet is approved. Once approved, the investigator should forward the investigative packet to the CEO for appropriate action with **all** Review of Local Investigative Packet forms applicable to that packet attached. **No disciplinary proceedings or other notifications to subjects should occur prior to the OIA's approval of the investigative packet.**

## Reports from the OIA

The OIA sends the CEO a monthly report of all local staff misconduct investigations which have extended past established time frames. SIAs/SISs should continue to work with the monitoring agent assigned to their facility for guidance and to provide updates on outstanding matters.



## Reported Misconduct

All allegations of misconduct received by the OIA are referred to the OIG for review and classification. The OIG determines which matters they will accept for investigation and possible criminal prosecution and defers other matters to the OIA for investigation. The OIA coordinates with the OIG and/or the FBI when investigations may lead to criminal prosecution or when there are allegations involving the abuse of an individual's Constitutional rights under Color of Law.

### NOTES

Due to the dynamic nature of the OIA database, figures in this report are subject to change. During the course of an investigation, evidence may indicate circumstances other than those initially reported, causing data to be added, deleted, and/or changed. There is no nexus between reported and sustained allegations.

The number of subjects exceeds the number of cases throughout this report as some cases have multiple subjects. Also, some subjects may be charged with multiple types of misconduct in a single case, causing the number of allegations to be higher. Finally, individual employees may be subjects in more than one case.

Allegations referred to as "Inmate Related" included some type of inmate involvement, while allegations referred to as "Non Inmate Related" occurred in the workplace but did not include inmate involvement. For a complete list of the types of misconduct included in each category, please reference the Appendices section of this report.

an increase of 7.8 percent.

For those matters deferred for investigation, the OIA determines, after consulting with BOP management officials, whether an on-site investigation is warranted or if the matter can be investigated at the local institution level. Allegations categorized as Classification 3 offenses are referred to the OIG via computer extract on a monthly basis.

During Fiscal Year 2014, the OIA opened 5,201 cases involving 6,177 BOP employees, 30 contract employees working in BOP facilities, 96 Public Health Service employees working in BOP facilities, 3 volunteers working in BOP facilities, 144 contract/residential reentry center employees, 6 drug treatment contractors, and 179 employees working in privatized facilities. These 5,201 cases represent a 5.3 percent decrease over the 5,492 cases opened during Fiscal Year 2013. The rate of reported misconduct among BOP employees decreased 8.5 percent from Fiscal Year 2012.

The 5,201 cases opened during Fiscal Year 2014 were classified as follows:

|                        |       |
|------------------------|-------|
| Classification 1 ..... | 1,245 |
| Classification 2 ..... | 1,329 |
| Classification 3 ..... | 2,627 |

Cases classified as Classification 1 offenses showed a decrease of 17.1 percent, while cases classified as Classification 2 offenses showed a decrease of 14.4 percent. Conversely, cases classified as Classification 3 offenses showed

## Reported Misconduct

| Table 1: Types of Reported Misconduct - FY 2014 |                                |                    |          |       |                    |
|---|--------------------------------|--------------------|----------|-------|--------------------|
| Type of Misconduct                              | Number of Reported Allegations |                    |          |       | % Change from 2013 |
|   | Inmate Related                 | Non Inmate Related | Off-Duty | TOTAL |                    |
| On-Duty Misconduct                              | 590                            | 772                |          | 1362  | -1.2               |
| Unprofessional Conduct                          | 751                            | 597                |          | 1348  | -13.3              |
| Abuse of Inmates                                | 1026                           |                    |          | 1026  | -24.7              |
| Inattention to Duty                             | 385                            | 507                |          | 892   | 24.2               |
| Failure to Follow Policy                        | 529                            | 358                |          | 887   | 18.0               |
| Personnel Prohibitions                          |                                | 722                | 63       | 785   | 2.3                |
| Fiscal Improprieties                            | 136                            | 501                |          | 637   | 17.1               |
| Sexual Abuse of Inmates                         | 583                            |                    |          | 583   | -13.5              |
| Inappropriate Relationships With Inmates        | 567                            |                    |          | 567   | -6.0               |
| Breach of Security                              | 223                            | 302                |          | 525   | 3.8                |
| Off-Duty Misconduct                             |                                |                    | 479      | 479   | -21.0              |
| Introduction of Contraband                      | 294                            | 92                 |          | 386   | -23.9              |
| Investigative Violations                        |                                | 130                |          | 130   | -35.3              |
| Bribery   | 82                             | 10                 |          | 92    | -17.1              |
| Unauthorized Release of Information             | 68                             | 20                 |          | 88    | -40.1              |
| Discrimination                                  | 6                              | 3                  |          | 9     | -71.9              |

Table 1 provides a breakdown of those categories of misconduct reported during Fiscal Year 2014. The only categories of reported misconduct which showed an increase from Fiscal Year 2013 were Inattention to Duty (a 24.2 percent increase), Failure to Follow Policy (an 18 percent increase), Fiscal Improprieties (a 17.1 percent increase), and Personnel Prohibitions (a 2.3 percent increase). The largest decreases occurred in the categories of Discrimination (a 71.9 percent decrease), Unauthorized Release of Information (a 40.1 percent decrease), and Investigative Violations (a 35.3 percent decrease).

## Reported Misconduct

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### USA Patriot Act

In the USA Patriot Act, Congress expressed concern about the potential abuse of individual civil rights and liberties by DOJ employees in the aftermath of September 11, 2001. Accordingly, the Patriot Act mandated that the OIG widely advertise that it receives and investigates allegations of such abuses. Patriot Act violations include violence, discrimination, or threats on the part of a DOJ employee, particularly when such cases are directed toward individuals or groups associated in the public perception with acts of terrorism because of their religious beliefs, place of birth, or appearance. Patriot Act allegations which typically come to our attention are alleged mistreatment or unprofessional behavior of BOP staff toward/around certain inmates, their visitors, or members of the public. **Due to the sensitivity of these allegations, they are automatically classified as Classification 2 or higher offenses; they should be forwarded immediately to the OIA.** All Patriot Act violation allegations are then referred to a Special Operations Unit at OIG Headquarters devoted to reviewing and investigating such misconduct.

Of the 5,201 cases opened during Fiscal Year 2014, 15 cases involved Patriot Act violations. As of September 30, 2014, 11 cases remained open pending investigation, and 4 cases were closed. No allegations were sustained.

Of the 5,492 cases opened during Fiscal Year 2013, 14 cases involved Patriot Act violations. As of September 30, 2014, 3 cases remained open pending investigation, and 11 cases were closed. No allegations were sustained.



## Closed/Sustained Misconduct

### NOTES

All figures in this section relate to cases which were opened during Fiscal Year 2014 and were closed as of September 30, 2014. Figures are subject to change as additional cases are closed.

Please refer to the appendices section of this report for the types of misconduct sustained against BOP employees in cases opened during Fiscal Year 2014.

As of September 30, 2014, a decision had been made on 1,410 (27.1 percent) of the 5,201 cases opened during Fiscal Year 2014. The remaining 3,791 cases (72.9 percent) were still open and being investigated. Of the 1,410 cases closed, the majority, 1,283 (91 percent), were investigated at the institution level with authorization and monitoring provided by the OIA. Of the 1,410 cases closed, 83 were OIA on-site investigations (5.9 percent), and 44 (3.1 percent) were investigated by the OIG.

Of the 1,410 cases closed, 299 (21.2 percent) were sustained. Misconduct was sustained against 258 BOP employees, 4 contract employees working in BOP facilities, 4 PHS

employees working in BOP facilities, 4 contract/residential reentry center employees, and 44 employees working in privatized facilities.

### BOP Employees

There were 6,177 BOP employees identified as misconduct subjects in cases opened during Fiscal Year 2014. As of September 30, 2014, a decision had been made for 24.5 percent of those employees. Of the 24.5 percent (or 1,514 employees), 16.8 percent (255) had a sustained decision (a rate of .7 per 100 total BOP employees).

Of the 6,177 BOP employees for whom a case was opened during Fiscal Year 2014, 313 were unidentified.

Table 2 (on the following page) reflects the categories of misconduct sustained against BOP employees with a sustained decision as of September 30, 2014. The most frequently sustained category of misconduct was Personnel Prohibitions (Absent Without Leave made up 80.6 percent of all sustained misconduct within this category), followed by Inattention to Duty and Failure to Follow Policy.

## Closed/Sustained Misconduct

| Table 2: Types of Sustained Misconduct for BOP Employees - FY 2014<br>With 24.5 Percent Closed |                                 |                       |          |       |
|--|---------------------------------|-----------------------|----------|-------|
| Type of Misconduct   | Number of Sustained Allegations |                       |          |       |
|  | Inmate<br>Related               | Non Inmate<br>Related | Off-Duty | TOTAL |
| Personnel Prohibitions   |                                 | 54                    | 8        | 62    |
| Inattention to Duty  | 15                              | 29                    |          | 44    |
| Failure to Follow Policy   | 22                              | 18                    |          | 39    |
| Unprofessional Conduct   | 13                              | 24                    |          | 37    |
| On-Duty Misconduct   | 13                              | 23                    |          | 36    |
| Fiscal Improprieties   | 1                               | 30                    |          | 31    |
| Off-Duty Misconduct  |                                 |                       | 20       | 20    |
| Inappropriate Relationships With Inmates   | 20                              |                       |          | 20    |
| Breach of Security   | 6                               | 9                     |          | 15    |
| Investigative Violations   |                                 | 9                     |          | 9     |
| Introduction of Contraband   | 5                               | 3                     |          | 8     |
| Sexual Abuse of Inmates  | 5                               |                       |          | 5     |
| Abuse of Inmates   | 3                               |                       |          | 3     |
| Unauthorized Release of Information  | 2                               | 1                     |          | 3     |
| Bribery  | 1                               | 0                     |          | 1     |
| Discrimination   | 0                               | 0                     |          | 0     |

- Disciplinary Action**

Once a subject is investigated and the allegations are sustained, the type of disciplinary action taken is left to the deciding official, who is generally the CEO. Each case is unique, and there are varying degrees of seriousness within each type of misconduct. Also, a single subject may be charged with multiple types of misconduct. The Douglas Factors must be considered when deciding the appropriate penalty to impose on employees for misconduct.

## Closed/Sustained Misconduct

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The Douglas Factors are an accumulation of historic Civil Services practices and procedures in cases involving civil servant misconduct, created by the Merit Systems Protection Board (MSPB) in the seminal Douglas case. In Douglas, the MSPB announced a non-exhaustive list of twelve factors which the BOP, like all federal agencies, must consider in determining appropriate penalties to impose in employee misconduct. The Douglas Factors are as follows:

- the nature and seriousness of the offense;
- the employee's job level and type of employment;
- the employee's disciplinary record;
- the employee's past work record, including length of service and duty performance;
- the effect of the offense on the employee's ability to perform and its effect on the supervisor's confidence in such ability;
- the consistency of the penalty with penalties imposed upon others for like or similar misconduct;
- the consistency of the penalty with the BOP's table of penalties (Program Statement 3420.11, Standards of Employee Conduct);
- the notoriety of the offense or its impact on the BOP's reputation;
- the clarity with which the employee was on notice of any rules violated or warned about the conduct in question;
- the employee's potential for rehabilitation;
- any and all mitigating circumstances surrounding the offense (e.g., job stress/tension, personality problems, mental impairment, harassment or bad faith, malice or provocation on the part of others involved);
- the adequacy and effectiveness of alternative sanctions.

The CEO is required to consider only those Douglas factors which are relevant to any individual and need not consider all the Douglas Factors in every case. In many cases, some of the Douglas Factors may suggest one type of penalty while others suggest another penalty. It is for the CEO to choose the appropriate penalty.



## Closed/Sustained Misconduct

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The following actions were taken against (or by) those BOP employees with a sustained decision.

|  |    |
|--|----|
| Written Reprimand.....                           | 70 |
| Resignation .....                                | 64 |
| Suspension .....                                 | 42 |
| No Action.....                                   | 38 |
| Termination.....                                 | 16 |
| Retirement.....                                  | 13 |
| Combined With Action in Another OIA Matter ..... | 7  |
| Other .....                                      | 3  |
| Demotion.....                                    | 2  |

The specific type of misconduct most frequently sustained against those individuals for whom no disciplinary action was taken was Failure to Follow Policy (23.8 percent of all sustained misconduct for staff in this group).

- **Gender**

There were 4,452 male BOP employees identified as misconduct subjects in Fiscal Year 2014. As of September 30, 2014, a decision had been made for 24.7 percent of those 4,452 male employees. Of the 24.7 percent (or 1,120 male employees), 15.5 percent (174) had a sustained decision (a rate of .6 employees per 100 total male BOP staff).

There were 1,322 female BOP employees identified as misconduct subjects in Fiscal Year 2014. As of September 30, 2014, a decision had been made for 26.2 percent of those 1,322 female employees. Of the 26.2 percent (or 347 female employees), 23.3 percent (81) had a sustained decision (a rate of .8 employees per 100 total female BOP staff).

Tables 3 and 4 (on the following pages) reflect the categories of sustained allegations for male and female BOP employees with a sustained decision as of September 30, 2014. The most frequently sustained category of misconduct among both male and female BOP employees was Personnel Prohibitions (20.1 percent of all sustained misconduct by male staff, and 15.6 percent of all sustained misconduct by female staff). Absent Without Leave made up 75.6 percent of all sustained within this category for male staff and 94.1 percent of all sustained misconduct within this category for female staff.

## Closed/Sustained Misconduct

| Table 3: Types of Sustained Misconduct for Male BOP Employees - FY 2014<br>With 24.7 Percent Closed |                                 |                       |          |       |
|---|---------------------------------|-----------------------|----------|-------|
| Type of Misconduct  | Number of Sustained Allegations |                       |          |       |
|   | Inmate<br>Related               | Non Inmate<br>Related | Off-Duty | TOTAL |
| Personnel Prohibitions  |                                 | 37                    | 8        | 45    |
| Failure to Follow Policy  | 15                              | 16                    |          | 31    |
| Inattention to Duty   | 10                              | 20                    |          | 30    |
| On-Duty Misconduct  | 6                               | 19                    |          | 25    |
| Unprofessional Conduct  | 10                              | 15                    |          | 25    |
| Fiscal Improprieties  | 1                               | 20                    |          | 21    |
| Off-Duty Misconduct   |                                 |                       | 17       | 17    |
| Breach of Security  | 4                               | 6                     |          | 10    |
| Inappropriate Relationships With Inmates  | 6                               |                       |          | 6     |
| Investigative Violations  |                                 | 5                     |          | 5     |
| Abuse of Inmates  | 3                               |                       |          | 3     |
| Introduction of Contraband  | 2                               | 1                     |          | 3     |
| Bribery   | 1                               | 0                     |          | 1     |
| Unauthorized Release of Information   | 1                               | 0                     |          | 1     |
| Sexual Abuse of Inmates   | 0                               |                       |          | 0     |
| Discrimination  | 0                               | 0                     |          | 0     |

Those categories of misconduct highlighted in red were sustained with greater frequency among male BOP staff than among female BOP staff.

## Closed/Sustained Misconduct

| Table 4: Types of Sustained Misconduct for Female BOP Employees - FY 2014<br>With 26.2 Percent Closed |                                 |                       |          |       |
|---|---------------------------------|-----------------------|----------|-------|
| Type of Misconduct  | Number of Sustained Allegations |                       |          |       |
|   | Inmate<br>Related               | Non Inmate<br>Related | Off-Duty | TOTAL |
| Personnel Prohibitions  |                                 | 17                    | 0        | 17    |
| Inappropriate Relationships With Inmates  | 14                              |                       |          | 14    |
| Inattention to Duty   | 5                               | 9                     |          | 14    |
| On-Duty Misconduct  | 7                               | 4                     |          | 11    |
| Unprofessional Conduct  | 2                               | 9                     |          | 11    |
| Fiscal Improprieties  | 0                               | 10                    |          | 10    |
| Failure to Follow Policy  | 6                               | 2                     |          | 8     |
| Sexual Abuse of Inmates   | 5                               |                       |          | 5     |
| Introduction of Contraband  | 3                               | 2                     |          | 5     |
| Breach of Security  | 2                               | 3                     |          | 5     |
| Investigative Violations  |                                 | 4                     |          | 4     |
| Off-Duty Misconduct   |                                 |                       | 3        | 3     |
| Unauthorized Release of Information   | 1                               | 1                     |          | 2     |
| Abuse of Inmates  | 0                               |                       |          | 0     |
| Discrimination  | 0                               | 0                     |          | 0     |
| Bribery   | 0                               | 0                     |          | 0     |

Those categories of misconduct highlighted in red were sustained with greater frequency among female BOP staff than among male BOP staff.



## Closed/Sustained Misconduct

- **Job Discipline**

As of September 30, 2014, 255 BOP employees identified as misconduct subjects during Fiscal Year 2014 had a sustained decision. Table 5 reflects the rate of misconduct among the various job disciplines.

| <b>Table 5: Discipline of BOP Employees With Sustained Misconduct - FY 2014<br/>With 24.5 Percent Closed</b> |                        |  |   |
|--|------------------------|--|---|
| <b>Discipline</b>  | <b>Total Employees</b> | <b>Number of<br/>Employees With<br/>Sustained<br/>Misconduct</b> | <b>Rate Per 100<br/>Total<br/>Employees</b> |
| Health Services/Safety   | 2666                   | 38   | 1.4   |
| Religious Services   | 326                    | 4  | 1.2   |
| Training Centers/National Institute of Corrections   | 104                    | 1  | 1.0   |
| Correctional Services  | 17251                  | 138  | .8  |
| Education & Vocational Training  | 1103                   | 9  | .8  |
| Psychology Services  | 1218                   | 10   | .8  |
| CEO's Office and Staff   | 950                    | 5  | .5  |
| Unit Management  | 3390                   | 16   | .5  |
| Food Services  | 1716                   | 8  | .5  |
| Central Office/Grand Prairie   | 1112                   | 6  | .5  |
| Human Resources  | 464                    | 2  | .4  |
| Recreation   | 793                    | 2  | .3  |
| Business Office  | 1762                   | 6  | .3  |
| Records/Inmate Systems   | 1092                   | 3  | .3  |
| Facilities   | 2498                   | 6  | .2  |
| UNICOR   | 755                    | 1  | .1  |
| Computer Services  | 253                    | 0  | 0   |
| Inmate Services  | 264                    | 0  | 0   |

The most frequently sustained type of misconduct among Health Services/Safety staff was Inattention to Duty (22.7 percent of all misconduct among staff in this group). The most frequently sustained type of misconduct among Religious Services staff was also Inattention to Duty (50 percent of all misconduct among staff in this group).

## Closed/Sustained Misconduct

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- **Bargaining vs. Non-Bargaining Unit Staff**

Of the 255 BOP employees with a sustained decision as of September 30, 2014, 204 were bargaining unit employees and 51 were non-bargaining unit employees. The rate of sustained misconduct among bargaining unit employees was .6 per 100 total bargaining unit employees, while the rate of sustained misconduct among non-bargaining unit employees was .8 per 100 total non-bargaining unit employees.

### **Residential Reentry Center Employees**

There were 144 contract/residential reentry center employees identified as misconduct subjects in Fiscal Year 2014. As of September 30, 2014, a decision had been made for 29.9 percent of those 144 employees. Of the 29.9 percent (or 43 employees), 9.3 percent (4) had a sustained decision. It is significant to note that an administrative disposition was recorded for 67.4 percent of those employees for whom a decision had been made, indicating the employee either resigned or their employment was terminated prior to an investigation being conducted. Thus, the 9.3 percent sustained rate is likely an extremely conservative figure.

Two allegations of Unprofessional Conduct were sustained, and one allegation each of Inappropriate Relationships With Inmates, Other On-Duty Misconduct, and Failure to Follow Policy were sustained.

### **Staff in Privatized Facilities**

There were 179 employees working in privatized facilities identified as misconduct subjects during Fiscal Year 2014. As of September 30, 2014, a decision had been made for 62 percent of those 179 employees. Of the 62 percent (or 111 employees), 42.3 percent (47) had a sustained decision.

Table 7 (on the following page) provides a breakdown of the categories of misconduct sustained against employees working in privatized facilities. The most frequently sustained categories of misconduct for staff working in privatized facilities were Inappropriate Relationship with Inmates and Other On-Duty Misconduct (Falsification of Documents, Endangering the Safety of Inmates, and Failure to Properly Supervise Inmates), each of which made up 20.3 percent of all misconduct among staff in this group.

## Closed/Sustained Misconduct

| Table 6: Types of Sustained Misconduct for Staff in Privatized Facilities - FY 2014<br>With 62 Percent Closed |                                 |                       |          |       |
|---|---------------------------------|-----------------------|----------|-------|
| Type of Misconduct  | Number of Sustained Allegations |                       |          |       |
|   | Inmate<br>Related               | Non Inmate<br>Related | Off-Duty | TOTAL |
| Inappropriate Relationships With Inmates  | 13                              |                       |          | 13    |
| On-Duty Misconduct  | 9                               | 4                     |          | 13    |
| Inattention to Duty   | 6                               | 3                     |          | 9     |
| Failure to Follow Policy  | 7                               | 1                     |          | 8     |
| Abuse of Inmates  | 6                               |                       |          | 6     |
| Unprofessional Conduct  | 5                               | 1                     |          | 6     |
| Personnel Prohibitions  |                                 | 2                     | 0        | 2     |
| Unauthorized Release of Information   | 2                               | 0                     |          | 2     |
| Breach of Security  | 2                               | 0                     |          | 2     |
| Introduction of Contraband  | 1                               | 0                     |          | 1     |
| Investigative Violations  |                                 | 1                     |          | 1     |
| Off-Duty Misconduct   |                                 |                       | 1        | 1     |
| Sexual Abuse of Inmates   | 0                               |                       |          | 0     |
| Discrimination  | 0                               | 0                     |          | 0     |
| Fiscal Improprieties  | 0                               | 0                     |          | 0     |
| Bribery   | 0                               | 0                     |          | 0     |



## **Closed/Sustained Misconduct**

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### **Drug Treatment Contractors**

There were 6 drug treatment contractors identified as misconduct subjects during Fiscal Year 2014. As of September 30, 2014, a decision had been made for 33.3 percent (or 2) of the 6 drug treatment contractors. No misconduct was sustained.

### **Contract Employees and Volunteers Working in BOP Facilities**

There were 30 contract staff and 3 volunteers working in BOP facilities identified as misconduct subjects during Fiscal Year 2014.

As of September 30, 2014, a decision had been made for 33.3 percent of the 30 contract employees. Of the 33.3 percent (or 10 contract employees), 40 percent (4) had a sustained decision. Two allegations each of Inappropriate Relationships with Inmates and Introduction of Contraband were sustained, and one allegation each of Sexual Abuse of Inmates and Unprofessional Conduct were sustained.

As of September 30, 2014, a decision had been made for 33.3 percent (or 1) of the 3 volunteers. No misconduct was sustained.

### **PHS Employees Working in BOP Facilities**

Of the approximately 880 PHS employees working in BOP facilities, 96 were identified as misconduct subjects during Fiscal Year 2014 (or 10.9 per 100 PHS employees). As of September 30, 2014, a decision had been made for 37.5 percent of those 96 PHS employees. Of the 37.5 percent (or 36 PHS employees), 11.1 percent (4) had a sustained decision, for a sustained rate of .5 per 100 total PHS employees working in BOP facilities.

Two allegations of Fiscal Improprieties were sustained, and one allegation each of Sexual Abuse of Inmates, Introduction of Contraband, Inappropriate Relationships with Inmates, Personnel Prohibitions, Other On-Duty Misconduct, and Unprofessional Conduct were sustained.

# Physical Abuse of Inmates

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## Title 18, United States Code, Chapter 13 - Civil Rights

### §241 Conspiracy against rights

If two or more persons conspire to injure, oppress, threaten, or intimidate any inhabitant of any State, Territory, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured --

They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

### §242 Deprivation of rights under color of law

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or may be sentenced to death.

- **Statistics**

During Fiscal Year 2014, 580 allegations of Physical Abuse of Inmates were either reported to the OIA or detected during the course of an investigation. As of September 30, 2014, a decision had been made for 29.3 percent (or 170) of those allegations. Allegations of Physical Abuse are tracked by the degree of injury sustained by the inmate(s)--life threatening injury, serious injury, minor/slight injury, minor/no injury (harassment), and superficial injury (injuries associated with the normal use of restraints). Six allegations of Physical Abuse reported during Fiscal Year 2014 were sustained as of September 30, 2014. The inmates involved sustained

## Physical Abuse of Inmates

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minor/no injuries. None of the subjects involved (two male BOP correctional services employees and 4 employees at privatized facilities) were criminally prosecuted.



# Introduction of Contraband

## Title 18, United States Code, Chapter 87 - Prisons

### §1791 Providing or possessing contraband in prison

#### (a) Offense.-Whoever-

(1) In violation of a statute or a rule or order issued under a statute, provides to an inmate of a prison a prohibited object, or attempts to do so; or

(2) being an inmate of a prison, makes, possesses, or obtains, or attempts to make or obtain, a prohibited object;

shall be punished as provided in subsection (b) of this section.

#### (b) Punishment.-The punishment for an offense under this section is a fine under this title or-

(1) imprisonment for not more than 20 years, or both, if the object is specified in subsection (d)(1)(C) of this section;

(2) imprisonment for not more than 10 years, or both, if the object is specified in subsection (d)(1)(A) of this section;

(3) imprisonment for no more than 5 years, or both, if the object is specified in subsection (d)(1)(B) of this section;

(4) imprisonment for no more than one year, or both, if the object is specified in subsection (d)(1)(D) or (c)(1)(E) of this section; and

(5) imprisonment for not more than six months, or both, if the object is specified in subsection (d)(1)(F) of this section.

(c) Any punishment imposed under subsection (b) for a violation of this section by an inmate of a prison shall be consecutive to the sentence being served by such inmate at the time the inmate commits such violation.

#### (d) Definitions.-As used in this section-

(1) the term “prohibited object” means-

(A) a firearm or destructive device or a controlled substance in Section I or II, other than marijuana or a controlled substance referred to in subparagraph (C) of this subsection;

(B) marijuana or a controlled substance in schedule III, other than a controlled substance referred to in subparagraph (C) of this subsection, ammunition, a

## Introduction of Contraband

weapon (other than a firearm or destructive device), or an object that is designed or intended to be used as a weapon or to facilitate escape from a prison;

(C) a narcotic drug, methamphetamine, its salts, isomers, and salts of its isomers, lysergic acid diethylamide, or phencyclidine;

(D) a controlled substance (other than a controlled substance referred to in subparagraph (A), (B), or (C) of this subsection) or an alcoholic beverage;

(E) any United States or foreign currency; and

(F) any other object that threatens the order, discipline, or security of a prison, or the life, health, or safety of an individual;

(2) the terms “ammunition,” “firearm,” and “destructive device” have, respectively, the meanings given those terms in section 921 of this title;

(3) the terms “controlled substance” and “narcotic drug” have, respectively, the meanings given those terms in section 102 of the Controlled Substances Act (21 USC, §802); and

(4) the term “prison” means a Federal correctional, detention, or penal facility or any prison, institution, or facility in which persons are held in custody by direction of our pursuant to a contract or agreement with the Attorney General.

- **Statistics**

During Fiscal Year 2014, 386 allegations of Introduction of Contraband were either reported or detected during the course of an investigation. As of September 30, 2014, a decision had been made for 24.1 percent (or 93) of those allegations. As of September 30, 2014, 12 allegations of Introduction of Contraband reported during Fiscal Year 2014 were sustained:

| Type of Contraband             | Inmate Related | Non Inmate Related |
|--------------------------------|----------------|--------------------|
| Soft Item                      | 1              | 0                  |
| Weapons                        | 0              | 1*                 |
| Unauthorized Electronic Device | 1              | 4                  |
| Cigarettes/Tobacco             | 5              | 0                  |

\*Knife

Eleven individuals were involved in the sustained allegations of Introduction of Contraband. Seven of these individuals were BOP employees (2 male Correctional Services employees, 2 female Correctional Services employees, 1 male Education & Vocational Training employee, 1 female Unit Management employee, and 1 female CEO's Office and Staff employee), 1 was a

## Introduction of Contraband

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PHS employee working in a BOP facility, 2 were contract employees working in BOP facilities, and 1 was an employee at a privatized facility. None of these individuals was criminally prosecuted.



# Sexual Abuse of Inmates

## Title 18, United States Code, Chapter 109A - Sexual Abuse

### §2241 Aggravated Sexual Abuse

(a) By force or threat. - Whoever, in the special maritime or territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract agreement with the head of any Federal department or agency, knowingly causes another person to engage in a sexual act -

(1) by using force against that other person, or

(2) by threatening or placing that other person in fear that any person will be subjected to death, serious bodily injury, or kidnapping;

or attempts to do so, shall be fined under this title, imprisoned for any term of years or life, or both.

(b) By other means. - Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly -

(1) renders another person unconscious and thereby engages in a sexual act with that other person; or

(2) administers to another person by force or threat of force, or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance and thereby -

(A) substantially impairs the ability of that other person to appraise or control conduct; and

(B) engages in a sexual act with that other person;

or attempts to do so, shall be fined under this title, imprisoned for any term of years or life, or both.

### §2242 Sexual Abuse

Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly -

(1) causes another person to engage in a sexual act by threatening or placing that other person in fear (other than by threatening or placing that other person in fear that any person will be subjected to death, serious bodily injury, or kidnapping); or

## Sexual Abuse of Inmates

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(2) engages in a sexual act with another person if that other person is -

- (A) incapable of appraising the nature of the conduct; or
- (B) physically incapable of declining participation in, or communicating unwillingness to engage in, that sexual act;

or attempts to do so shall be fined under this title and imprisoned for any term of years or for life.

### §2243 Sexual Abuse of a Ward

(b) Of a ward - Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly engages in a sexual act with another person who is -

- (1) in official detention; and
- (2) under the custodial, supervisory, or disciplinary authority of the person so engaging;

or attempts to do so, shall be fined under this title, imprisoned not more than 15 years, or both.

### §2244 Abusive Sexual Contact

(a) Sexual contact in circumstances where sexual acts are punished by this chapter. - Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly engages in or causes sexual contact with or by another person, if so to do would violate -

- (1) subsection (a) or (b) of section 2241 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than ten years, or both;
- (2) section 2242 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than three years, or both;
- (3) subsection (a) of section 2243 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than two years, or both;
- (4) subsection (b) of section 2243 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than two years, or both.
- (5) subsection (c) of section 2241 of this title had the sexual contact been a sexual act, shall be fined under this title and imprisoned for any term of years or for life.



## Sexual Abuse of Inmates

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(b) In Other Circumstances. - Whoever, in the special maritime and territorial jurisdiction of the United States, or a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of our pursuant to a contract or agreement with the head of any Federal department or agency, knowingly engages in sexual contact with another person without that other person's permission shall be fined under this title, imprisoned no more than two years, or both.

### § 2246 Definitions

(1) the term "prison" means a correctional, detention, or penal facility;

(2) the term "sexual act" means -

(A) contact between the penis and the vulva or the penis and the anus, and for the purposes of this subparagraph, contact involved the penis occurs upon penetration, however slight;

(B) contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; or

(C) the penetration, however slight, of the anal or genital opening by another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;

(D) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;

(3) the term "sexual contact" means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;

(4) the term "serious bodily injury" means bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

(5) the term "official detention" means -

(A) detention by a Federal officer or employee, or under the direction of a Federal officer or employee, following arrest for an offense; following surrender in lieu of an arrest for an offense; following a charge or conviction of an offense, or an allegation or finding of juvenile delinquency; following commitment as a material witness; following civil commitment in lieu of criminal proceedings or pending resumption of criminal



## Sexual Abuse of Inmates

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proceedings that are being held in abeyance, or pending extradition, deportation, or exclusion; or

(B) custody by a Federal officer or employee, or under the direction of a Federal Officer or employee, for purposes incident to any detention described in subparagraph (A) of this paragraph, including transportation, medical diagnosis or treatment, court appearance, work, and recreation; but does not include supervision or under control (other than custody during specified hours or days) after release on bail, probation, or parole, or after release following a juvenile delinquency.

- **Statistics**

During Fiscal Year 2014, 583 allegations of Sexual Abuse were either reported to the OIA or detected during the course of an investigation. Of the 583 allegations, 506 involved BOP employees, 5 involved contract employees working in BOP facilities, 5 involved PHS employees working in BOP facilities, 37 involved staff working in contract/halfway house facilities, 29 involved staff working in privatized facilities, and 1 involved a drug treatment contractor.

The types of allegations reported with the most frequency were Unprofessional Conduct of a Sexual Nature between male staff and male inmates (191 reported allegations) and Abusive Sexual Contact (§2244) between male staff and male inmates (110 reported allegations).

As of September 30, 2014, 7 allegations of Sexual Abuse reported during Fiscal Year 2014 were sustained. Of the 7 allegations, 5 involved BOP employees, 1 involved a contract employee working in a BOP facility, and 1 involved a PHS employee working in a BOP facility. Three hundred thirty eight allegations reported during Fiscal Year 2014 were pending.

### **Sexual Abuse/Sexual Abuse of a Ward (Female Staff/Male Inmate)**

Sexual Abuse/Sexual Abuse of a Ward between a female Correctional Services employee at FCC Butner and two male inmates. This matter was investigated by the OIG. When interviewed by the OIG Inmate 1 stated he has known the subject for approximately four to five years, and they became friends. Inmate 1 stated they developed feelings for each other, and they exchanged e-mails. Inmate 1 stated that on his birthday, he and the subject kissed in the bathroom. Inmate 1 denied they ever had sex. Inmate 1 stated, however, the subject confided in him that she had a personal relationship, which included sex, with another inmate. A review of the e-mails between the subject and Inmate 1 supported Inmate 1's statements. When interviewed by the OIG, the subject initially denied both having e-mail contact with Inmate 1 and kissing him. When presented with the e-mails, the subject admitted both the relationship with Inmate 1 and Inmate 2. The subject stated she had sex with Inmate 2 in the bathroom at FCC Butner. The AUSA for the Eastern District of North Carolina declined to pursue criminal charges because the case did not meet their guidelines for prosecution. The subject resigned her employment. (2014-00888/OIG 2014001337)



## Sexual Abuse of Inmates

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Sexual Abuse/Sexual Abuse of a Ward between a female contract employee at USP Marion and a male inmate. This matter was investigated by the OIG. The inmate provided an affidavit in which he stated that while in USP Marion's medical lab the subject gave the inmate oral sex on two occasions, and they had sexual intercourse on one occasion. The inmate further stated the subject gave the inmate one or two packs of cigarettes per week for approximately 12 weeks. The subject admitted she gave the inmate oral sex on two occasions and had sexual intercourse with him on one occasion. She also admitted she gave the inmate victim and another inmate a total of approximately 15 to 20 packs of cigarettes. The subject's employment as a contractor was ended prior to the conclusion of the investigation. The AUSA for the Southern District of Illinois declined prosecution due, in part, to a lack of resources and the fact the subject is no longer employed as a contractor with the BOP. (2014-00969/OIG 2014001424)

Sexual Abuse/Sexual Abuse of a Ward between a female Unit Management employee at FCC Yazoo City and two male inmates. This matter was investigated by the OIG. A letter addressed to the subject from one inmate victim was intercepted in the FCC Yazoo City mail room. The inmate wrote that he loved the subject more than she loved the inmate, and the inmate asked the subject to mail him pictures and make phone calls on his behalf. The OIG determined the inmate received twelve postal money orders which included the return address of a post office box opened by the subject. Further, the telephone number associated with the post office box was the same as a telephone number on the inmate's telephone list for a person identified as "parent." The OIG also determined the subject and the inmate used the Inmate Telephone System (ITS) to communicate approximately 40 times between October 2012 and January 2013. These calls contained romantic and sexually-explicit content. The inmate refused to answer any questions regarding his relationship with the subject. During a compelled interview the subject admitted she spoke with the inmate via ITS while he was incarcerated at FCC Coleman, and some of the telephone calls were sexual in nature. The subject also admitted she sent the inmate postal money orders. The subject denied any physical contact with the inmate and denied providing the inmate with any contraband items. The subject admitted she had two sexual contacts with a different inmate at FCC Yazoo City. The subject told the OIG she engaged in both vaginal intercourse and oral sex with the inmate in her office at FCC Yazoo City. The subject initially denied she provided the inmate with any contraband items. After her OIG interview, she resigned her employment. The following day she sent the OIG an e-mail in which she admitted she provided the inmate with tobacco and outside food items. The Assistant U.S. Attorney for the Southern District of Mississippi declined prosecution. (2014-01553/OIG 2014001001)

Sexual Abuse/Sexual Abuse of a Ward between a female Health Services employee at FCC Allenwood and a male inmate. This matter was investigated by the OIG. When interviewed by the OIG the subject admitted she engaged in inappropriate physical contact with the inmate several times in the Health Services unit. The subject stated she and the inmate kissed passionately several times, the inmate had penetrated the subject digitally on at least two occasions, the inmate fondled the subject's breasts on at least three occasions, and the subject touched the inmate's penis on at least three occasions. The AUSA for the Middle District of Pennsylvania declined prosecution based on the fact the inmate involved did not cooperate with the investigation. The subject resigned her employment. (2014-03570/OIG 2014005373)



## Sexual Abuse of Inmates

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### **Unprofessional Conduct of a Sexual Nature (Female Staff/Male Inmate)**

Unprofessional Conduct of a Sexual Nature between a female PHS employee at FCI Phoenix and a male inmate. This matter was investigated by the OIG. When interviewed by the OIG the subject admitted she kissed the inmate twice during a medical visit in the FCI Phoenix patient treatment room. The subject also admitted she corresponded with the inmate, to include sending him photographs of her wearing lingerie. The AUSA for the District of Arizona-Phoenix, declined prosecution. The subject resigned her employment. (2014-00104/OIG 2014000063)

Unprofessional Conduct of a Sexual Nature between a female Correctional Services employee at FCC Oakdale and a male inmate. This matter was investigated by the OIG. The OIG investigation developed evidence that the subject had an inappropriate relationship with the inmate that included kissing him once and exchanging five letter of affection with him. Additionally, the subject misused her BOP e-mail by using it to receive a photograph of her vagina which she subsequently printed and gave to the inmate along with two packs of cigarettes. The OIG also found the subject demonstrated a lack of candor during her interview when she initially denied the allegations. The AUSA for the Western District of Louisiana declined prosecution of the subject for a violation 18 USC, §1791, Providing or Possessing Contraband in Prison. The subject resigned her employment. (2014-00156/OIG 2014000609)

Unprofessional Conduct of a Sexual Nature between a female Correctional Services employee at FCI Herlong and a male inmate. This matter was investigated by the OIG. Review of the institution's surveillance video revealed that on March 27, 2014, at 4:36 a.m., the subject unsecured and entered the inmate victim's cell, closing the door behind her. The subject remained alone in the cell with the inmate for approximately seven minutes. On April 5, 2014, at 4:43 a.m., the subject again entered the inmate's cell and remained alone with him for approximately eight minutes. The OIG interviewed the subject's husband, who was also employed at FCI Herlong. He stated another employee sent him a text message inquiring about rumors regarding the subject and the inmate. The subject's husband confronted his wife later that day, and she drove away in their personal vehicle. The subject subsequently sent a text message to her husband saying she was sorry and hoped he found love and happiness. The subject's husband realized his wife was suicidal, and he called the Sheriff's Office. The OIG obtained an incident report from the Sheriff's Office indicating the subject was found in her vehicle, and she had taken a large amount of medication. When asked if she took the medication to harm herself, the subject responded in the affirmative. The subject told the Deputy Sheriff she fell in love with an inmate, and she was going to be sent to prison for having an affair with him. The subject's husband spoke to her while she was at the hospital. She denied sexual contact with the inmate or introducing contraband for him, but she admitted kissing him when she entered her cell. She also admitted writing letters to the inmate. The inmate initially refused to speak to the OIG, but he requested to speak to them after being transferred to another facility. The inmate stated the subject began making unsolicited sexual remarks to the inmate, she brought him cigarettes, and they exchanged letters. The inmate stated he resisted the subject's sexual advances, but she threatened to report him for selling the cigarettes she gave him if he did not cooperate. The



## Sexual Abuse of Inmates

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inmate claimed that around the end of March 2014 the subject entered the inmate's cell and performed oral sex on him even though he asked her to stop several times. The inmate claimed that around the second week of April 2014, the subject entered the inmate's cell a second time and performed oral sex on him against his will. The subject declined to be interviewed by the OIG. The Assistant U.S. Attorney for the Eastern District of California declined prosecution based on insufficient evidence to provide the allegations. (2014-04575/OIG 2014006875)

## Representative Case Summaries

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Following are brief summaries of some of the cases which were completed during Fiscal Year 2014.

- A male Correctional Services employee went to an inmate's cell, pulled a spray bottle from around his waist, and sprayed the inmate with the contents of the bottle, striking him in the face and the front of his body, while making comments such as "How do you like it?" Witnesses stated the inmate previously sprayed the subject with a liquid substance. The subject refused to cooperate during the investigation. Physical Abuse of Inmates, Retaliation, Unprofessional Conduct, and Refusing to Cooperate were sustained. The subject resigned his employment. (2014-04638)
- A male Correctional Services employee admitted telling an inmate, "You don't tell us what to fucking do, we tell you what to fucking do," and "I will fucking drop you on your face." Threatening an Inmate/Verbal Abuse was sustained. The subject was suspended for two days. (2013-01154)
- During an investigation conducted by the Office of the Inspector General, a female contract employee admitted she engaged in vaginal sexual intercourse with an inmate in a bathroom in Health Services. The subject also admitted she introduced tobacco into the facility and provided it to the inmate on approximately ten occasions. Finally, the subject admitted she provided a cellular telephone to the inmate following his transfer to a work release center. The subject was charged with Providing Prohibited Items to an Inmate (18 USC §1791). She pled guilty to the offense and was sentenced to one-year probation. Sexual Abuse/Sexual Abuse of an Inmate, Cigarettes/Tobacco Introduction, Improper Contact With an Inmate, and Offering/Giving Anything of Value were sustained. The subject resigned her employment. (2013-07462)
- An Office of the Inspector General investigation was predicated upon the receipt of information that a male Correctional Services employee was smuggling tobacco and marijuana into the facility and selling it to inmates. The sister of one of the inmates acted as a middle person by receiving money from inmates' families and forwarding it to the subject. The subject's acquaintance and his wife assisted the subject by obtaining payments wired by the inmate's sister to financial institutions and providing the money to the subject. The OIG conducted an undercover meeting with the subject which resulted in his arrest after he accepted \$200 from a confidential witness. The subject was charged with Receiving a Bribe as a Public Official (18 USC §201(b)(2)) and Conspiracy to Commit Wire Fraud and Mail Fraud (18 USC §1349). The subject pled guilty to a criminal information, and he was sentenced to three-years supervised release. Marijuana Introduction, Cigarettes/Tobacco Introduction, and Bribery were sustained. The subject resigned his employment. (2013-04913)
- While screening a female Business Office employee's handbag through the X-ray machine, staff observed what appeared to be a firearm in the handbag. The subject



## Representative Case Summaries

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immediately reported the incident and provided a statement indicating she inadvertently left the firearm in her handbag. The subject stated she did not intend to threaten or intimidate anyone with the firearm and had no malicious intent in carrying the weapon. The subject stated she carries the firearm solely for her personal protection while off duty. The subject was instructed to remove the weapon from institution grounds, which she did. Weapons Introduction was sustained. The subject was suspended for thirty days. (2013-00229)

- A male Food Service employee was seen in the staff dining room with a cellular telephone in his hand. When questioned, the subject stated he went to the staff dining room for lunch, and he forgot he had the phone in his pocket. Unauthorized Electronic Device Introduction was sustained. The subject received a written reprimand. (2013-07451)
- A male Correctional Services employee processed an inmate into the facility and issued him a receipt for the \$265 he had with him upon his arrival. The subject failed to deposit the money into the inmate's BOP account. The subject processed two additional inmates into the facility and received \$71 and \$11, respectively, from them, but the subject failed to issue the inmates receipts or deposit the money into their BOP inmate accounts. When interviewed by the OIG, the subject stated he accidentally took the \$71 and \$11 home with him after he forgot to remove it from his uniform's left breast pocket. The subject stated he located the cash deposits, still in the envelopes, in his uniform pocket and returned them the following day. The subject had no recollection of the missing \$265. However, a preponderance of evidence exists that the subject was also responsible for the missing \$265 based on the fact the subject provided the inmate with a temporary receipt but failed to deposit the funds, video records confirmed the subject put an envelope in his pocket, and the subject admitted mishandling other inmate deposits in a similar manner. In addition, the subject failed a polygraph examination regarding his account of the \$265 transaction. The Assistant U.S. Attorney's Office declined prosecution. Theft of Inmate Funds was sustained. The subject resigned his employment. (2013-00177)
- Computer Services staff were notified via a system alert that a staff terminal server had detected and removed a virus. The virus was contracted from the Facebook social media site which had been accessed by a male UNICOR employee. The computer was taken off line for eight hours, and an intensive virus scan was completed. No further viruses were detected. Misuse of Government Computers and Breach of Computer Security were sustained. The subject received a written reprimand. (2014-01148)
- A female PHS employee used her government-issued travel charge card to purchase personal items at Target, to include alcoholic beverages, while attending training in Aurora, Colorado. Misuse of Travel Charge Card was sustained. The subject received a written reprimand. (2014-01444)



## Representative Case Summaries

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- A female employee at a privatized facility provided her personal cellular telephone number to two inmates. The subject communicated with the inmates via text messages with the knowledge the inmates were in possession of a contraband cellular telephone. Improper Contact With an Inmate was sustained. The subject resigned her employment. (2014-01178)
- A female employee at a contract/residential reentry center facility was seen driving a former inmate's vehicle to work. When interviewed, the subject stated she and the former inmate worked together at a bar and became friends. The subject stated the former inmate allowed the subject to use his car while her car was being repaired. The subject stated she used the former inmate's car on four or five occasions. Improper Contact With an Inmate was sustained. The subject resigned her employment. (2014-03071)
- A male Correctional Services employee was arrested and charged with Public Intoxication and Obstructing a Peace Officer. The subject told the arresting officer where he works and asked for "professional courtesy" on the night of the arrest so he could make arrangements for someone to pick up him and his wife. Arrest and Conviction and Misuse of Official Position/Badge were sustained. The subject was suspended for one day. (2011-02600)
- A male Correctional Services employee was notified that he was to provide a urine sample for testing in compliance with the Drug Free Workplace program statement. The subject stated he was sick, and he had to go home. The subject was advised the process had been initiated and asked if he was aware of the consequences for refusing to submit to a urinalysis test. The subject stated, "I don't care. This is bullshit. I've worked her 18 years and have always done my job. I'm sick, and I need to go home right now." The subject left the institution without further comment and without providing a urine sample. Refusing to Take a Drug Test was sustained. The subject's employment was terminated. (2014-00028)
- A male Health Services/Safety employee refused to administer an inmate's insulin after being told twice by a lieutenant to do so. The subject only administered the insulin after being ordered to do so by the warden. Endangering the Safety of an Inmate and Failure to Follow Supervisor's Instructions were sustained. The subject was suspended for one day. (2012-08184)
- During the 10:00 a.m. institutional count, a housing unit called in a bad count. During the second count of the unit, a female Recreation employee radioed the control center stating she located the inmate on the recreation yard. A review of video recordings revealed Recreation staff failed to clear the buildings prior to the count. Further, two Recreation staff (a male and a female) admitted they did not walk through the buildings to ensure no inmates were present. Inattention to Duty was sustained against the subjects. They both received written reprimands. (2012-07133)

## Representative Case Summaries

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- A female Education and Vocational Training employee called another employee a "whore." Unprofessional Conduct was sustained. The subject received a written reprimand. (2013-08023)
- A male Facilities employee told an inmate that bologna sandwiches are called "nigger steaks." Unprofessional Conduct was sustained. The subject was suspended for one day. (2013-07388)
- A physician's assistant opened a PHS employee's desk drawer to look for a pencil and found five syringes inside. The subject stated she placed in the syringes in her desk drawer and forget to put them in the Pyxis machine. The subject stated the syringes were in her desk drawer for a period of six days. Failure to Follow Policy and Inattention to Duty were sustained. The subject received a written reprimand. (2013-06510)

| Types of Sustained Misconduct for BOP Employees - FY 2013<br>With 75.3 Percent Closed |                                 |                       |          |       |
|---|---------------------------------|-----------------------|----------|-------|
| Type of Misconduct  | Number of Sustained Allegations |                       |          |       |
|   | Inmate<br>Related               | Non Inmate<br>Related | Off-Duty | TOTAL |
| Personnel Prohibitions  |                                 | 267                   | 15       | 282   |
| On-Duty Misconduct  | 54                              | 188                   |          | 242   |
| Unprofessional Conduct  | 85                              | 153                   |          | 238   |
| Failure to Follow Policy  | 100                             | 110                   |          | 210   |
| Inattention to Duty   | 77                              | 129                   |          | 206   |
| Off-Duty Misconduct   |                                 |                       | 192      | 192   |
| Fiscal Improprieties  | 7                               | 144                   |          | 151   |
| Breach of Security  | 51                              | 80                    |          | 131   |
| Inappropriate Relationships With Inmates  | 92                              |                       |          | 92    |
| Introduction of Contraband  | 22                              | 45                    |          | 67    |
| Investigative Violations  |                                 | 56                    |          | 56    |
| Unauthorized Release of Information   | 13                              | 10                    |          | 23    |
| Sexual Abuse of Inmates   | 18                              |                       |          | 18    |
| Abuse of Inmates  | 14                              |                       |          | 14    |
| Bribery   | 5                               | 0                     |          | 5     |
| Discrimination  | 0                               | 0                     |          | 0     |



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## Types of Misconduct

### Abuse of Inmates

Physical Abuse of Inmates  
Excessive Use of Force  
Threatening an Inmate/Verbal Abuse  
Retaliation

### Sexual Abuse of Inmates

Aggravated Sexual Abuse - §2241  
Sexual Abuse/Sexual Abuse of a Ward - §2242/2243  
Abusive Sexual Contact - §2244  
Unprofessional Conduct of a Sexual Nature

### Introduction of Contraband

Soft Item Introduction  
Weapons Introduction  
Escape Paraphernalia Introduction  
Money Introduction  
Marijuana Introduction  
Heroin & Derivatives Introduction  
Cocaine Introduction  
Other Unspecified Drugs Introduction  
Alcoholic Beverages Introduction  
Unauthorized Electronic Device Introduction  
Creatine/Weightlifting Supplement Introduction  
Cigarettes/Tobacco Introduction

### Discrimination

### Fiscal Improprieties

Time and Attendance Irregularities  
Abuse of Sick Leave  
Voucher Falsification  
Theft/Misuse of Government Funds  
Theft/Misuse of Government Property  
Misuse of Government Computers  
Improper Procurement Procedures  
Failure to Pay Government Charge Card  
Misuse of Travel Charge Card  
Misuse of Purchase Charge Card  
Misuse of SmartPay 2 Credit Card  
Theft/Misuse of Employees' Club Funds

- Theft/Misuse of AFGE/Union Funds
- Theft of Inmate Funds
- Theft/Destruction of Inmate Property
- Theft/Misuse of Contractor Funds
- Theft/Misuse of Contractor Property
- Failure to Account for Inmate Funds/Property
- Theft of Employee Funds/Property
- Misuse of UNICOR Resources
- Contract Fraud

### **Bribery**

- Bribery
- Conspiracy to Commit Bribery

### **Inappropriate Relationship With Inmates**

- Soliciting/Accepting Anything of Value
- Offering/Giving Anything of Value
- Improper Contact With an Inmate/Inmate's Family
- Appearance of an Inappropriate Relationship
- Misuse of Inmate Labor
- Preferential Treatment of Inmates

### **Investigative Violations**

- Concealing a Material Fact
- Refusing to Cooperate
- Lying During an Investigation
- Providing a False Statement
- Altering/Destroying Evidence/Documents
- Refusing to Submit to a Search
- Interfering With/Impeding an Investigation
- Advising Someone to Violate Policy
- Conducting an Unauthorized Investigation
- Lack of Candor

### **Personnel Prohibitions**

- Threatening/Intimidating Employees (relates to personnel actions)
- Failure to Report Violation of Rules/Regulations
- Falsification of Employment Records
- Misuse of Official Position/Badge
- Inappropriate Supervisor/Subordinate Relationship
- Engaging in Prohibited Personnel Practices
- Use/Abuse of Illegal Drugs/Alcohol
- Absent Without Leave

Retaliation  
Refusing to Take a Drug Test

### Unauthorized Release of Information

### Other On-Duty Misconduct

Unprofessional Conduct of a Sexual Nature  
Inattention to Duty<sup>1</sup>  
Failure to Respond to an Emergency  
Failure to Properly Supervise Inmates  
Breach of Security<sup>1</sup>  
Breach of Computer Security<sup>1</sup>  
Falsification of Documents  
Unprofessional Conduct<sup>1</sup>  
Failure to Follow Policy<sup>1</sup>  
Gambling/Promotion of Gambling  
Endangering the Safety of an Inmate  
Endangering the Safety of Others  
Providing False Information Other Than During an Official Investigation  
Insubordination  
Accidental Discharge of a Firearm  
Soliciting/Sale of Goods on Government Property  
Job Favoritism  
Workplace Violence  
Failure to Meet Performance Standards  
Failure to Follow Supervisor's Instructions  
Fraudulent Workers' Compensation Claims  
Conduct Unbecoming a Management Official

### Off-Duty Misconduct

Arrest and Conviction  
Failure to Report Arrest  
Failure to Pay Just Debts  
Failure to Obtain Outside Employment Approval  
DWI/DUI  
Domestic Violence  
Traffic Citation  
Carrying an Unregistered/Concealed Firearm  
Discreditable Behavior  
Falsification of Records/Documents  
Other Citation (Hunting, etc.)  
Conflict of Interest

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<sup>1</sup>Due to the frequency of this type of misconduct, it is identified separately throughout this report.



## Monitoring Assignments

|                         |                            |                             |                            |
|-------------------------|----------------------------|-----------------------------|----------------------------|
| Alderson, WV .....      | (b)(6),(b)(7)(C),(b)(7)(F) | Lee, VA .....               | (b)(6),(b)(7)(C),(b)(7)(F) |
| Aliceville, AL .....    |                            | Lewisburg, PA .....         |                            |
| Allenwood, PA .....     |                            | Lexington, KY .....         |                            |
| Ashland, KY .....       |                            | Lompoc, CA .....            |                            |
| Atlanta, GA .....       |                            | Loretto, PA .....           |                            |
| Atwater, CA .....       |                            | Los Angeles, CA .....       |                            |
| Bastrop, TX .....       |                            | Manchester, KY .....        |                            |
| Beaumont, TX .....      |                            | Marianna, FL .....          |                            |
| Beckley, WV .....       |                            | Marion, IL .....            |                            |
| Bennettsville, SC ..... |                            | Mendota, CA .....           |                            |
| Berlin, NH .....        |                            | McCreary, KY .....          |                            |
| Big Sandy, KY .....     |                            | McDowell, WV .....          |                            |
| Big Spring, TX .....    |                            | McKean, PA .....            |                            |
| Brooklyn, NY .....      |                            | Memphis, TN .....           |                            |
| Bryan, TX .....         |                            | Miami (FDC & FCI), FL ..... |                            |
| Butner, NC .....        |                            | MXRO, MD .....              |                            |
| Canaan, PA .....        |                            | Milan, MI .....             |                            |
| Carswell, TX .....      |                            | Montgomery, AL .....        |                            |
| Chicago, IL .....       |                            | Morgantown, WV .....        |                            |
| Coleman, FL .....       |                            | New York, NY .....          |                            |
| Cumberland, MD .....    |                            | NCRO, KS .....              |                            |
| Danbury, CT .....       |                            | NERO, PA .....              |                            |
| Devens, MA .....        |                            | Oakdale, LA .....           |                            |
| Dublin, CA .....        |                            | Oklahoma, OK .....          |                            |
| Duluth, MN .....        |                            | Otisville, NY .....         |                            |
| Edgefield, SC .....     |                            | Oxford, WI .....            |                            |
| El Reno, OK .....       |                            | Pekin, IL .....             |                            |
| Elkton, OH .....        |                            | Pensacola, FL .....         |                            |
| Englewood, CO .....     |                            | Petersburg, VA .....        |                            |
| Estill, SC .....        |                            | Philadelphia, PA .....      |                            |
| Fairton, NJ .....       |                            | Phoenix, AZ .....           |                            |
| Florence, CO .....      |                            | Pollock, LA .....           |                            |
| Forrest City, AR .....  |                            | Ray Brook, NY .....         |                            |
| Fort Worth, TX .....    |                            | Rochester, MN .....         |                            |
| Fort Dix, NJ .....      |                            | Safford, AZ .....           |                            |
| Gilmer, WV .....        |                            | San Diego, CA .....         |                            |
| Grand Prairie, TX ..... |                            | Sandstone, MN .....         |                            |
| Greenville, IL .....    |                            | Schuylkill, PA .....        |                            |
| Guaynabo, PR .....      |                            | Seagoville, TX .....        |                            |
| Hazelton, WV .....      |                            | SeaTac, WA .....            |                            |
| Herlong, CA .....       |                            | Sheridan, OR .....          |                            |
| Honolulu, HI .....      |                            | SCRO, TX .....              |                            |
| Houston, TX .....       |                            | SERO, GA .....              |                            |
| Jesup, GA .....         |                            | Springfield, MO .....       |                            |
| La Tuna, TX .....       |                            | Talladega, AL .....         |                            |
| Leavenworth, KS .....   |                            | Tallahassee, FL .....       |                            |

# Monitoring Assignments

Terminal Island, CA.....  
Terre Haute, IN.....  
Texarkana, TX.....  
Thomson, IL.....  
Three Rivers, TX.....  
Tucson, AZ.....  
Victorville, CA.....

(b)(6),(b)(7)(C),(b)(7)(F)

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Waseca, MN.....  
WRO, CA.....  
Williamsburg, SC.....  
Yankton, SD.....  
Yazoo City, MS.....

(b)(6),(b)(7)(C),(b)(7)(F)